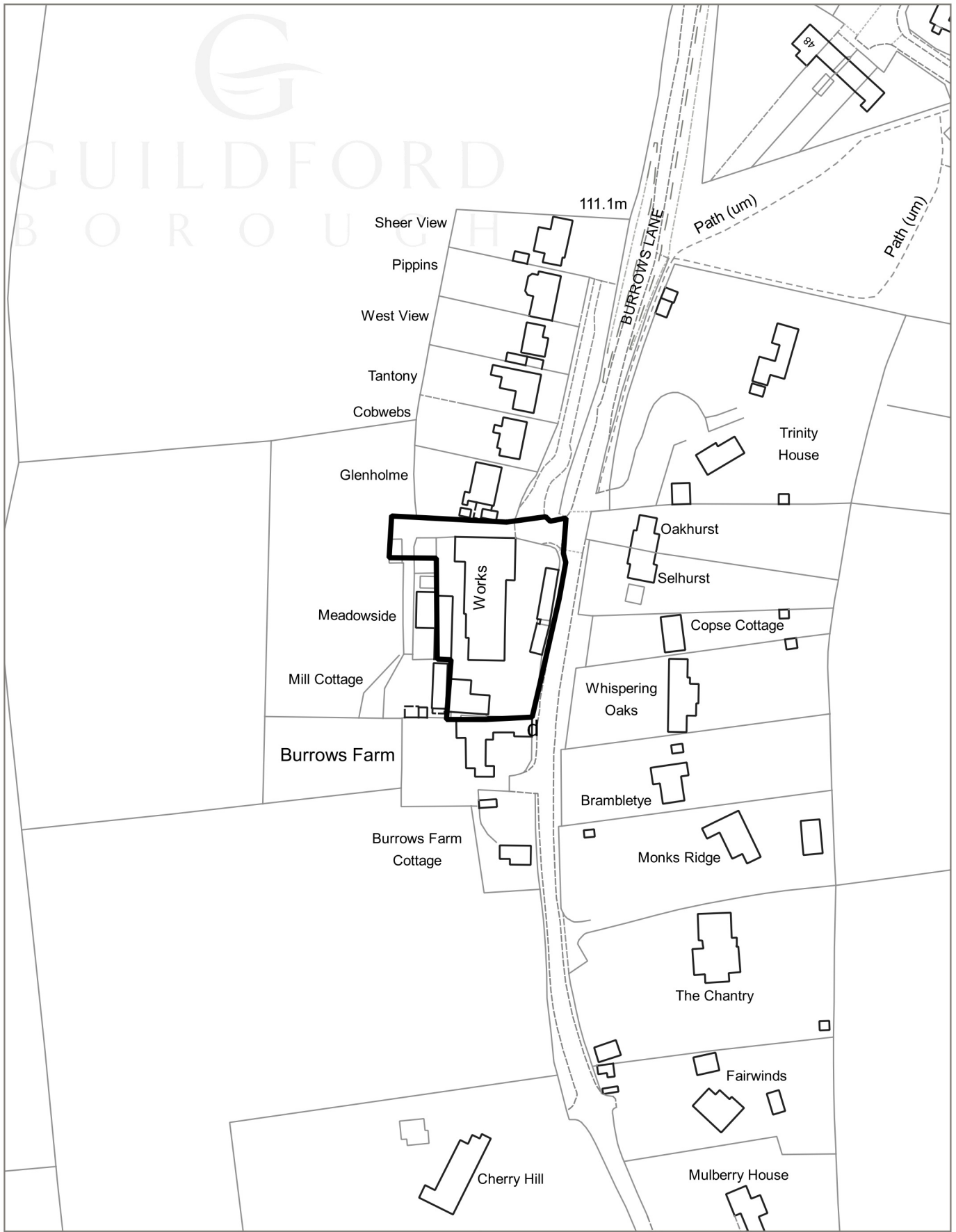


# 20/P/00757 - Unit 3a, Kings Yard, Burrows Lane, Shere, Guildford



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Print Date: 03/08/2020

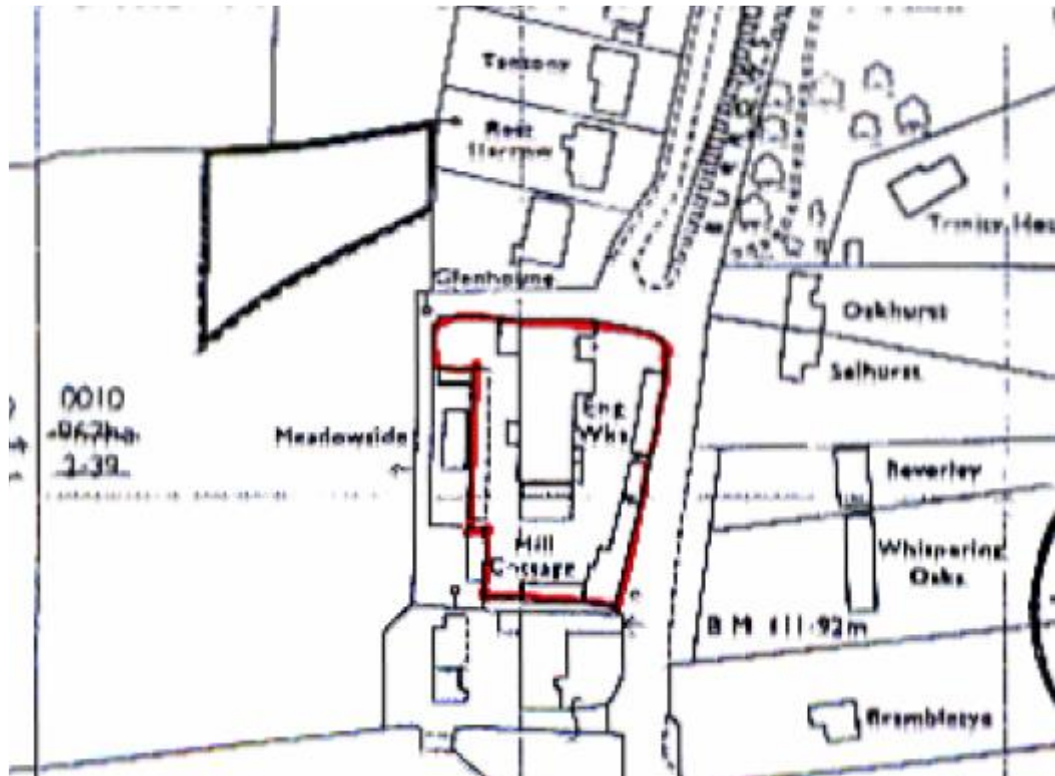


Not to Scale



GUILDFORD  
BOROUGH

20/P/00757 – Unit 3A, Kings Yard, Burrows Lane, Shere, Guildford



Not to scale



**App No:** 20/P/00757  
**Appn Type:** Full Application  
**Case Officer:** Katie Williams  
**Parish:** Shere  
**Agent :**

**8 Wk Deadline:** 29/06/2020

**Ward:** Tillingbourne  
**Applicant:** Mr Stephen Openshaw  
Eiger Trading Advisors Ltd  
Riverbridge House  
Guildford Road  
Leatherhead  
KT22 9AD

**Location:** Unit 3A, Kings Yard, Burrows Lane, Shere, Guildford, GU5 9QE  
**Proposal:** Variation of condition 5 of 06/P/00548 and condition 4 of 18/P/01775 to vary the operating hours of Unit 3A (rear section of Unit 3 to the north end) from 7.30am - 7pm Mondays to Fridays (inclusive) and 9am - 4.30pm on Saturdays and no operating on Sundays or Bank or National Holidays to the proposed operating hours starting the working day at 6am on weekdays, and operating on Sundays and Bank Holidays from 7am - 4pm. No working on Saturdays.

## **Executive Summary**

### **Reason for referral**

This application has been referred to the Planning Committee because more than 20 letters of objection have been received, contrary to the Officer's recommendation.

### **Key information**

The proposal seeks a variation to Condition 5 of 06/P/00548.

### **Variation of condition 5:**

Condition 5 of 06/P/00548 has been varied under applications 18/P/01775 and 19/P/01282. The latest variation to the condition, as approved under application 19/P/01282, states:

*The use hereby permitted shall not operate other than between the hours of 7:30am-7pm Mondays to Fridays (inclusive) and 9am-4.30pm Saturdays, and shall not operate at all on Sundays or Bank or National Holidays. Deliveries in association with the permitted office and live/work use shall not operate other than between the hours of 8am-6pm Mondays to Fridays and 9am-4.30pm Saturdays and shall not operate at all on Sundays or Bank or National Holidays.*

The proposed revised wording for Condition 5 is as follows:

*The use hereby permitted shall not operate other than between the hours of 7:30am-7pm Mondays to Fridays (inclusive) and 9am-4.30pm Saturdays, and shall not operate at all on Sundays or Bank or National Holidays. Deliveries in association with the permitted office and live/work use shall not operate other than between the hours of 8am-5.30pm Mondays to Fridays and 9am-4.30pm Saturdays and shall not operate at all on Sundays or Bank or National Holidays. For unit 3A only (rear section of unit 3 to the North end) these working hours are permitted to be extended to start the working day at 6am on weekdays and shall permit working on Sundays 7am*

- 4.pm. These extended hours solely relate to the use of the premises by Eiger Trading Advisors Ltd. During these extended hours there shall be no sound levels audible beyond the perimeter site boundary and no more than 2 people in the office at any one time and no visitors.

### **Summary of considerations and constraints**

Whilst the proposal would slightly extend the hours of activity on the site, as it will be limited to only one of the units (Unit 3A) and to two employees only, it not considered that the proposal to extend the hours of use will result in detrimental impact on neighbouring amenity in terms of noise and disturbance.

The application is therefore recommended for approval, subject to the revised condition 5 and the relevant conditions from the 2006 permission being reapplied.

### **RECOMMENDATION:**

#### **Approve - subject to the following condition(s) and reason(s) :-**

1. The development shall be carried out in accordance with the external materials details approved under Condition 2 of planning permission 06/P/00548. No external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory.

2. The approved details of all boundary treatments and soft landscaping (as approved under Condition 3 of planning permission 06/P/00548) shall be implemented prior to the first occupation of the development or phased as agreed in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity.

Reason: To safeguard the visual amenities of neighbouring properties and the locality.

3. No external lighting shall be installed on the site or affixed to any buildings on the site.

Reason: In the interests of visual amenity and neighbouring residents.

4. No processes shall be carried on or machinery installed or used which are not such as could be carried on, installed or used in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Reason: To safeguard the adjoining premises and the area generally from noise and disturbance.

5. The use hereby permitted shall not operate other than between the hours of 7:30am-7pm Mondays to Fridays (inclusive) and 9am-4.30pm Saturdays, and shall not operate at all on Sundays or Bank or National Holidays. Deliveries in association with the permitted office and live/work use shall not operate other than between the hours of 8am-5.30pm Mondays to Fridays and 9am-4.30pm Saturdays and shall not operate at all on Sundays or Bank or National Holidays.

For unit 3A only (rear section of unit 3 to the North end, as shown on drawing LM001/31 P9) these working hours are permitted to be extended to start the working day at 6am on weekdays and shall permit working on Sundays and Bank Holidays 7am-4pm. These extended hours solely relate to the use of the premises by Eiger Trading Advisors Ltd and during the extended hours there shall be no more than 2 persons in the office at any one time and no visitors.

Reason: To safeguard the residential amenities of neighbouring properties.

6. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8 am and 6 pm Monday to Friday and 8 am to 1.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the neighbours from noise and disturbance outside the permitted hours during the construction period.

7. Precautions shall be taken for the duration of the construction period to prevent the deposit of mud and similar debris (including blown litter) on the adjacent public highways.

Reason: In the interests of highway safety and convenience.

8. The development shall be carried out in accordance with the slab level details agreed under Condition 8 of Planning Permission 06/P/00548. The constructed development shall not vary from the approved levels.

Reason: In order to ensure a satisfactory form of development.

9. No materials, containers or equipment shall be stored on the site outside buildings except for waste materials contained within suitable and sufficient waste containers for removal.

Reason: In the interests of visual amenity.

10. The proposed modified access to Burrows Lane shall be constructed and provided with visibility zones in accordance with the approved plans all to be permanently maintained to a specification to be agreed with the Local Planning Authority and the visibility zones shall be kept permanently clear of any obstruction over 0.5m in height above the carriageway of Burrows Lane.

Reason: In the interests of highway safety.

11. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for application 06/P/00548 (or plans as may be subsequently approved in writing by the Local Planning Authority) for cars to be parked (and for loading and unloading of number vehicles and for vehicles to turn so that they may enter and leave the site in forward gear). The parking and turning shall be maintained exclusively for its designated use.

Reason: In the interests of highway safety.

12. The non-residential floor area associated with the live work unit (block 2) shall only be used for Class B1 and shall at all times remain as such, and not be used for habitable residential purposes.

Reasons: In granting permission for a live work unit the Local planning authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use.

13. The development hereby permitted shall be carried out in accordance with the following approved plans:

LM001/21 Rev P4, 01/34 Rev P5, 01/35 Rev P6, 01/44 Rev P8, 01/45 Rev P7, 01/20 Rev P2, 01/31 Rev P5, 01/32 Rev P6, 01/41 Rev P5 received 22 July 2019 and amended plan LM001/42 Rev P9 received 14 October 2019.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

### **Informatives:**

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case pre-application advice was not sought prior to submission. However, the application was acceptable as submitted.

## **Officer's Report**

### **Site description.**

The application site is located on the western side of Burrows Lane, to the south of Gomshall. It is located within the Green Belt (outside of a settlement area) and also within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).

The site is currently being redeveloped as office (B1 use) units. Construction of the new buildings (originally granted planning permission under 06/P/00548) is currently nearing completion on site.

The site itself is roughly rectangular in shape and is 0.3 hectares in size. The site is elevated above Burrows Lane by approximately one metre, but is itself relatively flat.

The site is accessed via an existing access drive which serves Kings Yard and several neighbouring dwellings on the western side of Burrows Lane.

The surrounding area is predominantly rural in character. There are residential dwellings neighbouring the site to all sides of the site and on the opposite side of Burrows Lane.

### **Proposal.**

Variation of condition 5 of 06/P/00548 and condition 4 of 18/P/01775 to vary the operating hours of Unit 3A (rear section of Unit 3 to the north end) from 7.30am - 7pm Mondays to Fridays (inclusive) and 9am - 4.30pm on Saturdays and no operating on Sundays or Bank or National Holidays to the proposed operating hours starting the working day at 6am on weekdays, and operating on Sundays and Bank Holidays from 7am - 4pm. No working on Saturdays.

The applicant is Eiger Trading Advisors Ltd who are a UK-based asset-trading company, specializing as an intermediary in Islamic financial products. The company are currently based in Leatherhead but are looking to locate to Gomshall as the majority of staff live either locally or within a very short journey to Kings Yard.

The majority of the company's clients operate in time zones that are ahead of the UK but also work on Bank Holidays and Sundays. The application states that in order to enable the company to service their clients, they ensure that they have staff in the office allowing them to interact with their clients just after the start of their working day.

The application form states.. 'It is, therefore, a critical part of our operation for us to have one person in the office every morning from 6am and for 2 people to be in the office between 7 am and 4pm on Sundays and Bank holidays, although with regard to Sundays and Public Holidays only 1 person is on the early shift. All of our business is computer based and is virtually silent. We will not be holding any meetings or have visitors in these extended hours. The unit known as 3A is to the rear of the site and we would be able to park within the site "courtyard" so as to come and go virtually unnoticed..'

**Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
20/P/00309	Variation of condition 3 and 16 of application 06/P/00548 approved 25/04/06 to improve landscaping and alter window treatments, including insertion of 6 rooflights to Unit 3. (Amended description 30 April 2020).	Approve 22/05/2020	N/A
19/P/02011	Change of use of land from agricultural to ancillary car parking, laying of hardstanding to provide 21 car parking spaces and landscape improvement works.	Refuse 16/01/2020	N/A
19/P/01282	Variation of condition 5 (hours of work) of planning permission 06/P/00548 approved on 25/04/2006, to ensure that the hours of work refer to the whole site and not to one specific unit, and condition 16 (approved plans) to allow the installation of dormer windows on Block 2, Block 3 and Block 4 (amended plan received 14 October 2019).	Part Approved, part refused. 04/12/2019	Appeal allowed 03/06/2020 Full award of costs
19/P/01223	Change of use of land from agricultural to ancillary car parking, laying of hardstanding to provide 20 car parking spaces and landscape improvement works.	Refuse 05/09/2019	N/A
19/N/00073	Non-material amendment to planning permission 06/P/00548, approved 25/04/2006, to allow the inclusion of the plan numbers on the decision notice.	Approve 18/07/2019	N/A
19/N/00034	Non material amendment to application 06/P/00548, approved on 25/04/06.	Approve 09/05/2019	N/A
19/N/00022	Non-material amendment for application number 06/P/00548	Approve 15/04/2019	N/A
18/N/00131	Non material amendment re: 05/P/1686, 06/P/0548 and 17/P/01055	Refuse 03/01/2019	N/A
18/P/01775	Variation of condition 5 of 06/P/00548, approved 25/04/2006, to change the approved opening hours of the live/work unit (Block 2).	Approve 08/11/2018	N/A



17/P/01055	Certificate of lawfulness for an existing use or operation to establish that operational development in the form of the digging and laying of concrete foundations in respect of planning application 06/P/00548, approved 25/04/2006, has been lawfully commenced for the purposes of section 55(1) and (c) and section 56(1)(a), (2) and (4)(b) of the Town and Country Planning Act 1990 (as amended).	Approve 30/08/2017 N/A
06/P/00548	Relaxation of conditions 05 & 15 of the non residential floor area associated with the live work unit (Block 2) to be used as Class B1.	Approve 26/04/2006 N/A
05/P/01686	Erection of three detached two storey office blocks and one single storey office block comprising B1 and B2 industrial units and 1 work / live unit with associated parking and landscaping following demolition of all existing buildings on site. (Amended plans received 20/09/2005 to show revised sight lines and received 16/11/05 showing revised elevations)	Approve 14/12/2005 N/A

## **Consultations.**

### Internal consultees

Head of Environmental Health and Licensing:

- this application seeks to vary the operating hours to start at 06:00 weekdays and Sunday working from 07:00 to 16:00. These are potentially sensitive working hours in regards to the impact on neighbouring residents. The activities however are confined to administration and computer use which is unlikely to amount to a significant impact in terms of operational noise or other disamenity. I appreciate the reason given to facilitate trade over global time zones but the necessity to require staff at this location at this time, when mobile working practices are so well established, is not explained.
- if approved, it should be ensured that the work hours are applied specifically to this use only and are not transferable to any future uses of this unit.

- As reassurance to existing residents I would also recommend to condition the applicant's own statement that "during these extended hours there shall be no sound levels audible beyond the perimeter site boundary and no more than 2 people in the office at any one time and no visitors." [Officer Note: While these comments are noted, a condition to prohibit sound levels audible beyond the perimeter of the site would be imprecise, ambiguous and therefore very difficult for the Council to enforce. As such, Officers do not agree that this should be restricted by condition. However, limiting no more than two persons in the office at any one time during the extended hours is acceptable and is included in the reworded condition].

### Shere Parish Council

- objects as there should be no relaxation which would allow potentially more intensification of use of this site

### Residents associations

Burrows Cross Residents Association [BCRA]:

Objects to the application:

- the proposed hours are very early and late compared to business sites in the area
- working hours have already been considerably increased from those permitted
- will set a precedent
- light pollution in the hours of darkness
- any company requiring long hours of operation should be located in towns or cities

### **Third party comments:**

32 letters of representation have been received raising the following objections and concerns:

- the application incorrectly states the approved working hours [Officer note: the application refers to the working hours approved under application 18/P/01775 which were also more recently granted at appeal under application 19/P/01282.]
- increased light pollution in winter months, adverse impact on AONB and protected species
- noise disturbance and loss of amenity to neighbours
- the hours are inappropriate in the middle of this residential area
- inappropriate within this rural setting within the AONB & Green Belt
- the hours were a fundamental condition on planning permission being granted in the first place
- will set a precedent for other units
- the development is already oversized
- insufficient parking for the development
- trees and bushes have been removed along the border

### **Planning policies.**

National Planning Policy Framework (NPPF):

Chapter 6. Building a strong and competitive economy

Chapter 8. Promoting healthy and safe communities

## 2019 Local Plan

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

Relevant policies:

Policy P1: Surrey Hills Area of Outstanding Natural Beauty and Area of Landscape Value

Policy P2: Green Belt

Policy E5: Rural economy

Policy D1: Place shaping

Policy ID3: Sustainable transport for new developments

### Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

G1 General Standards of Development

G5 Design Code

### Surrey Hills AONB Management Plan 2014-2019

Policies LU1, LU2 and LU3

### Supplementary planning documents:

Vehicle Parking Standards 2006 SPD

Surrey County Council Vehicular and Cycle Parking Guidance (2018)

## **Planning considerations.**

The main planning considerations in this case are:

- background
- the impact on neighbouring amenity
- other considerations

## Background

Planning permission was originally granted for the redevelopment of the Kings Yard site with new buildings for light industrial use in 2005 (05/P/01686). This permission was varied in 2006 (06/P/00548) to allow the buildings to be used for any purpose within B1 use class (offices / light industrial). The implementation of the 2006 permission was confirmed under a Certificate of Lawfulness application in 2017 (17/P/01055) and construction is now nearing completion on site.

Condition 5 of 06/P/00548 originally stated:

'The use hereby permitted shall not operate other than between the hours of 8am-5.30pm Mondays to Fridays (inclusive) and 9am-4.30pm Saturdays, and shall not operate at all on Sundays or Bank or National Holidays.'

Reason: To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number: G1(3) of the Guildford Borough Local Plan 2003.'

A variation of this condition was approved under application 18/P/01775, to increase the hours of use to the following:

*The use hereby permitted shall not operate other than between the hours of 7:30am-7pm Mondays to Fridays (inclusive) and 9am-4.30pm Saturdays, and shall not operate at all on Sundays or Bank or National Holidays. Deliveries in association with the permitted office and live/work use shall not operate other than between the hours of 8am-6pm Mondays to Fridays and 9am-4.30pm Saturdays and shall not operate at all on Sundays or Bank or National Holidays.*

However, the description for 18/P/01775 only related to the live / work unit (Block 2). The applicant therefore chose to submit a further application 19/P/01282 which sought to vary condition 5 for the hours of use for all of the units on the site. This application was refused by the Council. However, the subsequent appeal was recently allowed (appeal decision dated 3 June 2020).

In this appeal decision the Inspector concluded:

- *'...no substantive evidence to indicate that the proposed extended working hours would result in any material increase in the number of motor vehicles arriving and departing the site.... Consequently, although the proposal would extend the 'working day' to around eleven and a half hours on Mondays through to Fridays, it would not result in any material increase in noise and disturbance arising from the number of vehicle movements either on or in the vicinity of the site.*
- *...taking into account that the working hours would only be slightly extended and that there would already potentially be some disturbance resulting from the headlights of motor vehicles associated with the already permitted working hours, I do not consider that the proposal would result in a material increase in disturbance in this regard.*
- *..notwithstanding that there is no street lighting, I have not been presented with any compelling evidence that the artificial light coming from the windows of the office units would be so great that it would adversely affect the living conditions of neighbouring residents. In regard to external site lighting, irrespective of the proposal to extend the working hours, the planning permission granted includes a condition (No 3) restricting the installation of any such lighting on the site.*
- *..I find that to vary condition No 5 to extend the working hours of all the units across the site on Mondays through to Fridays to between 0730 and 1900 would not have a harmful effect on the living conditions of neighbouring residents with regard to noise and disturbance.'*

The permitted hours of use for all units on the site, as approved under 18/P/01775 and 19/P/01282 are therefore between the hours of 7:30am -7pm Mondays to Fridays (inclusive) and 9am-4.30pm Saturdays, and to not operate at all on Sundays or Bank or National Holidays. The current wording of Condition 5 as set out in the appeal decision for 19/P/01282 is as follows:

*' The use hereby permitted shall not operate other than between the hours of 0730 - 1900 on Mondays through to Fridays and 0900 - 1630 on Saturdays and shall not operate at all on Sundays or Bank or National Holidays. Deliveries in association with the permitted office and live/work use shall not take place other than between the hours of 0800 - 1800 on Mondays through to Fridays and 0900 - 1630 on Saturdays and shall not take place at all on Sundays or Bank or National Holidays. '*

## Planning considerations

This application is submitted under Section 73 of the Town and Country Planning Act (as amended). The provisions of Section 73 relate to the variation or removal of planning conditions attached to a grant of planning permission. The intention is that such matters would represent a minor material change to the original grant of planning permission.

The application must be determined on the basis of the effect of varying the specified conditions. No other matters can be taken into account for example the principle of the original permission cannot be re-visited. Additionally it is not appropriate to dismiss a proposal simply on the grounds that conditions were originally proposed and therefore by default should be retained. The local planning authority must consider whether any planning harm would result from the variation.

Section 73, gives two options when considering such applications:

- if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under Section 73(a) officers should not limit themselves to assessing just the specific variation or removal suggested by the applicant. If an alternative change to the conditions would be acceptable then permission should be granted to that effect.

Part of the assessment under Section 73(b) should also be whether this would cause more than a minor material change to the original permission. In such cases permission should also be refused.

In this instance the application suggests the variation of condition(s) 5 of planning permission 06/P/00548 as detailed above. The reason for imposing this condition on the original permission was in order to safeguard the amenities of neighbouring residents. This is therefore the main consideration for this S73 application which will be assessed in detail below.

### Impact on neighbouring amenity

The main issue is the effect that varying the working hours of all the units would have on the living conditions of neighbouring residents, with particular regard to noise and disturbance.

As noted above, the site is in a rural location, within close proximity to residential dwellings.

B1(office) uses are considered a compatible use within residential areas. As set out above, this application proposes to increase the hours of use of Unit 3A to start at 6am on weekdays and to allow for working from 7am to 4pm on Sundays and Bank Holidays. Only up to 2 employees would be present on site during these extended hours.

The Council's Environmental Health Officer (EHO) has considered the proposals and does not consider there are grounds to object in terms of a noise and disturbance impact. Notwithstanding this, further to officers concerns regarding why employees have to be present on site during these extended hours and cannot work from home for this period of time, the applicant has provided the following additional information:

- *whilst we are able to work either from home or our Disaster recovery site in case of emergency, we choose to work from the office where possible. Throughout the global pandemic we have had at least one member of staff within the office at all our working hours.*
- *we have over 25 telephone lines, and whilst usually these will forward to individuals, it has proven not to be perfect and hence we need a staff member in the office, early in the morning. All our clients are in the Middle east or South East Asia. We are also required to have video conferencing at this early hour and from our standpoint is far more professional in the office than from home.*
- *to have a staff member work from home for the first hour would also interrupt our work flow as we reach our busy time fairly early, and this member of staff could be still travelling to the office.*
- *additionally, we have bespoke client platforms and communications systems which are best suited for the office environment.*
- *our data security is far better protected with the least amount of time spent working away from the office.*

It is acknowledged that the proposed extended hours are potentially sensitive working hours in regards to the impact on neighbouring residents. The activities however are confined to administration and computer use which is considered unlikely to amount to a significant impact in terms of operational noise or other impacts.

Given the additional information provided regarding the requirements for the extended hours, the proposal is not considered unreasonable. The required hours are very specific and targeted to the business needs of the prospective tenant for one unit only (Unit 3a) and it is therefore not considered that these would set a precedent for other units on the site.

It is considered that the specific factors in this case, including that the proposal is for only up to two employees to be on site during the extended hours, will not result in a detrimental impact on neighbouring amenity and a reason for refusal on these grounds could not be sustained at appeal. However, it is considered pertinent to ensure that the proposed variation to the condition specifies that these extended work hours are applied only to this specific prospective tenant for Unit 3a only and are not transferable to any future uses of this unit.

As already noted above, it is not recommended that the amended condition includes any prohibition of sound levels audible beyond the perimeter of the site. This is because such a condition would be imprecise, ambiguous and therefore very difficult for the Council to enforce. In addition any statutory nuisance arising from noise, is a matter which is best dealt with and enforced through Environmental Health legislation. However, limiting no more than two persons in the office at any one time during the extended hours is acceptable and is included in the reworded condition.

Subject to these requirements being incorporated into the revised wording for Condition 5, it is concluded that the proposed variation to Condition 5 (hours of use) will not have a detrimental impact on neighbouring amenity and therefore accords with Policy G1(3) of the saved Local Plan. A restriction on the hours for deliveries will be included with the revised wording for Condition 5.

#### Other considerations

Given that the proposed variation will only allow for 2 employees to be on site during the extended hours, it is not considered that this will result in a significant intensification in the use of the site and there will not be a detrimental impact on the Green Belt, the landscape character of the AONB or the rural character of the area.

## Conclusion

Given the above factors it is considered acceptable to vary the working hours condition as set out. The relevant conditions from the 2006 permission 06/P/00548 will be reapplied. Conditions 13 and 14 of 06/P/00548 relate to contamination. The LPA is satisfied that the requirements of these conditions have been met and complied with and therefore it is not necessary for the conditions to be reapplied.